

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 638

BY SENATOR SYPOLT

[Introduced March 17, 2017; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §21-11-7 of the Code of West Virginia, 1931, as amended, relating
2 to the West Virginia Contractor Licensing Act; providing examination requirements for
3 obtaining a license; and exempting applicant from taking the business and law portion of
4 the examination.

Be it enacted by the Legislature of West Virginia:

1 That §21-11-7 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 11. WEST VIRGINIA CONTRACTOR LICENSING ACT.

§21-11-7. Application for and issuance of license.

1 (a) A person desiring to be licensed as a contractor under this article shall submit to the
2 board a written application requesting licensure, providing the applicant's social security number
3 and such other information as the board may require on forms supplied by the board. The
4 applicant shall pay a license fee not to exceed \$150: *Provided*, That electrical contractors already
5 licensed under section four, article three-b, chapter twenty-nine of this code shall pay no more
6 than \$20.

7 (b) A person holding a business registration certificate to conduct business in this state as
8 a contractor on September 30, 1991, may register with the board, certify by affidavit the
9 requirements of subsection (c), section fifteen of this article and pay such license fee not to exceed
10 \$150 and shall be issued a contractor's license without further examination: *Provided*, That no
11 license may be issued without examination pursuant to this subsection after April 1, 2002:
12 *Provided, however*, That any person issued a contractor's license by the board pursuant to this
13 subsection may apply to the board for transfer of the license to a new business entity in which the
14 license holder is the principal owner, partner or corporate officer: *Provided further*, That a license
15 holder may hold a license on behalf of only one business entity during a given time period. The
16 board may transfer the license issued pursuant to this subsection to the new business entity
17 without requiring examination of the license holder

18 (c) A person required to pass a written examination required by this section and by the
19 West Virginia Contractor Licensing Board may be exempt from the board's requirement that the
20 person pass a West Virginia business and law examination if that person presents to the board:

21 (1) An affidavit from a certified public accountant or a public accountant licensed in this
22 state pursuant to article nine, chapter thirty of this code, stating that the applicant for a license
23 under this article has retained the services of the certified public accountant or the public
24 accountant monthly to file all business state and federal tax forms and reports required by the
25 state or federal government and that the certified public accountant or the public accountant is in
26 good standing with all business and tax filings and reports required by the state, together with
27 evidence of good standing in the state and that the certified public accountant or the public
28 accountant has handled this type of work in West Virginia in the past five years; and

29 (2) The name, fiscal address, location and telephone number of the certified public
30 accountant or the public accountant, together with any other information that the board may
31 require.

32 The certified public accountant or the public accountant shall notify the board by certified
33 or registered mail within fifteen days if their services to the license holder are terminated for any
34 reason. The contractor then has fifteen days to obtain the services of another certified public
35 accountant or public accountant and so notify the board. If this is not done, the contractor's license
36 shall be suspended until the contractor passes the business and law examination or presents
37 evidence that another certified public accountant or public accountant has been retained.

38 (d) The board may charge a fee related to granting the exemption from taking the business
39 and law examination.

NOTE: The purpose of this bill is to provide an exemption from taking the business and law portion of the examination for a license under the West Virginia Contractor Licensing Act when an applicant presents evidence of retaining a certified public accountant or public accountant to file business and tax filings required by the state and federal government.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.